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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,794	11/07/2003	Toru Hirai	51270-305144	4793

7590

12/16/2005

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EXAMINER

BRINEY III, WALTER F

ART UNIT

PAPER NUMBER

2646

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,794

Applicant(s)

HIRAI ET AL.

Examiner

Walter F. Briney III

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-52 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20051210</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

It is submitted that the previous election/restriction requirement filed 18 May 2005 contained several errors, and as such, has been vacated. The applicant's responses to said requirement are moot, including any accompanying claim amendments.

Therefore, claims 1-57 as originally filed are pending and are subject to a new election/restriction requirement as set forth in the proceeding.

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

- I. **The echo canceller of figure 1**
- II. **The echo canceller of figure 9**
- III. **The echo canceller of figure 10**
- IV. **The echo canceller of figure 11**
- V. **The echo canceller of figure 1 as modified by figure 24**
- VI. **The echo canceller of figure 9 as modified by figure 24**
- VII. **The echo canceller of figure 10 as modified by figure 24**
- VIII. **The echo canceller of figure 11 as modified by figure 24**
- IX. **The echo canceller of figure 12**
- X. **The echo canceller of figure 13**
- XI. **The echo canceller of figure 14**
- XII. **The echo canceller of figure 15**

- xiii. The echo canceller of figure 12 as modified by figure 25**
- xiv. The echo canceller of figure 13 as modified by figure 25**
- xv. The echo canceller of figure 14 as modified by figure 25**
- xvi. The echo canceller of figure 15 as modified by figure 25**
- xvii. The echo canceller of figure 16**
- xviii. The echo canceller of figure 17**
- xix. The echo canceller of figure 18**
- xx. The echo canceller of figure 19**
- xxi. The echo canceller of figure 16 as modified by figure 26**
- xxii. The echo canceller of figure 17 as modified by figure 26**
- xxiii. The echo canceller of figure 18 as modified by figure 26**
- xxiv. The echo canceller of figure 19 as modified by figure 26**
- xxv. The echo canceller of figure 20**
- xxvi. The echo canceller of figure 21**
- xxvii. The echo canceller of figure 20 as modified by figure 27**
- xxviii. The echo canceller of figure 21 as modified by figure 27**
- xxix. The echo canceller of figure 22**
- xxx. The echo canceller of figure 23**
- xxxi. The echo canceller of figure 28**
- xxxii. The echo canceller of figure 28 as modified by figure 50**
- xxxiii. The echo canceller of figure 51**

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFB
12/10/05



SINH TRAN
SUPERVISORY PATENT EXAMINER